

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julia Pagnamenta	Team: Squad #2	CCRB Case #: 202007451	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 11/05/2020 12:30 AM	Location of Incident: Diddle Dee Bagel & Deli (1334 Richmond Road)	Precinct: 122	18 Mo. SOL 5/5/2022	EO SOL 5/5/2022	
Date/Time CV Reported Wed, 11/11/2020 4:55 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 11/11/2020 4:55 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Vincent Mandracchia	01559	960860	122 PCT
2. POM Jacob Samuel	20031	959191	122 PCT
3. Officers			122 PCT
4. POF Lareina Grispino	16881	964031	122 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Kyle Walker	05487	946382	PBSI
2. POM Victor Baniqued	17400	936169	122 PCT
3. POM Erik Miller	05745	942210	122 PCT
4. POM Juan Baez	15580	957350	122 PCT
5. POM Emmanuel Keppel	09286	943434	122 PCT
6. POM Eric Holtzman	10145	960676	122 PCT
7. SGT Nicholas Abagnalo	00826	947962	122 PCT
8. POM Joseph Niedzwiecki	08831	956976	122 PCT
9. POF Claudia Torreshernandez	18788	959311	122 PCT
10. POF Ediliza Wentworth	25352	963327	122 PCT
11. POM Yassir Zahroof	24718	962885	122 PCT
12. DTS Aldo Yubini	3700	939729	122 PCT
13. SGT Stephen Mazzaro	04659	949288	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Vincent Mandracchia	Discourtesy: Police Officer Vincent Mandracchia spoke discourteously to § 87(2)(b)	
B.POM Vincent Mandracchia	Force: Police Officer Vincent Mandracchia used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
C.POM Jacob Samuel	Force: Police Officer Jacob Samuel used physical force against § 87(2)(b)	
D. Officers	Force: Officers used physical force against § 87(2)(b)	
E.POF Lareina Grispino	Force: Police Officer Lareina Grispino restricted § 87(2)(b) breathing.	
F.POM Vincent Mandracchia	Abuse: Police Officer Vincent Mandracchia threatened to arrest § 87(2)(b)	
G.POM Jacob Samuel	Discourtesy: Police Officer Jacob Samuel spoke discourteously to an individual.	
H.POM Vincent Mandracchia	Abuse: Police Officer Vincent Mandracchia arrested § 87(2)(b) unlawfully.	
I.POM Vincent Mandracchia	Untruthful Stmt.: Police Officer Vincent Mandracchia provided a false official statement to the CCRB.	

## Case Summary

On November 11<sup>th</sup>, 2020, § 87(2)(b) of § 87(2)(b) filed the following complaint on the CCRB's website on behalf of his client, § 87(2)(b). The case was initially assigned to Investigator Connor O'Shea. It was reassigned to Investigator Julia Pagnamenta on September 26<sup>th</sup>, 2021, upon Investigator O'Shea's resignation from the Agency.

At approximately 12:30 a.m., on November 5<sup>th</sup>, 2020, § 87(2)(b) was in front of the Diddle Dee Bagel & Deli located at 1334 Richmond Road in Staten Island with § 87(2)(b) and § 87(2)(b) an individual whose name the investigation only obtained as § 87(2)(b) and § 87(2)(b) when an unmarked sedan pulled into the deli's parking lot, and allegedly made noise on the car's intercom system. § 87(2)(b) approached the unmarked car and verbally addressed its occupants: Police Officer Vincent Mandracchia and Police Officer Jacob Samuel of the 122<sup>nd</sup> Precinct.

Shortly thereafter, Police Officer Mandracchia and Police Officer Samuel approached § 87(2)(b) as he sat on a picnic table at the side of the deli speaking to § 87(2)(b) and § 87(2)(b). Police Officer Mandracchia and Police Officer Samuel asked § 87(2)(b) for his ID. When § 87(2)(b) did not provide his ID after repeated requests, Police Officer Mandracchia called for back-up and told him, "Give me your fucking ID" (**Allegation A – Discourtesy (Word):** § 87(2)(g)). As Police Officer Mandracchia continued to ask § 87(2)(b) for his ID, he tried to grab § 87(2)(b) arm. Several officers from the 122<sup>nd</sup> Precinct then arrived on scene and approached § 87(2)(b). As Police Officer Mandracchia and the officers tried to handcuff § 87(2)(b), Police Officer Mandracchia told § 87(2)(b) "Get the fuck down" and "Put your fucking hands behind your back" (**within Allegation A**). Officers then physically interacted with § 87(2)(b) as they tried to handcuff him on the picnic table. Police Officer Mandracchia and Police Officer Samuel punched § 87(2)(b) on the side of his face and then allegedly kicked him in the legs and kneed him in the stomach and chest (**Allegation B – Physical Force,** § 87(2)(g)) (**Allegation C – Physical Force,** § 87(2)(g)). Police Officer Lareina Grispino of the 122<sup>nd</sup> Precinct then climbed on top of the picnic table and allegedly knelt on § 87(2)(b) neck, preventing him from breathing (**Allegation E – Force: Restricted Breathing,** § 87(2)(g)). § 87(2)(b) was then handcuffed and escorted to a police car.

After a brief verbal interaction, Police Officer Mandracchia told § 87(2)(b) "Do you want to go next?" (**Allegation F – Abuse of Authority: Threat of Arrest,** § 87(2)(g)). § 87(2)(b) and Police Officer Samuel told an unidentified individual on scene, "Take a walk fat boy" (**Allegation G – Discourtesy (Word):** § 87(2)(g)). § 87(2)(b) was then brought to the 122<sup>nd</sup> Precinct stationhouse, where he was charged with Resisting Arrest, Obstructing Governmental Administration, and Disorderly Conduct (**Board Review 01**) (**Allegation H – Abuse of Authority: Unlawful Arrest,** § 87(2)(g)). The investigation determined that Police Officer Mandracchia provided a false official statement to the CCRB on March 3<sup>rd</sup>, 2022 (**Allegation I: Untruthful Statement – False Official Statement,** § 87(2)(g)).

Body-worn camera (BWC) footage of the incident was obtained from the BWCs of Police Officer Samuel, Police Officer Stephen Mazzaro, Police Officer Emmanuel Keppel, Police Officer Aldo Yubini, Police Officer Yassir Zahroof, Police Officer Ediliza Wentworth, Police Officer Claudia Torres-Hernandez, Police Officer Grispino, Police Officer Joseph Niedzwiecki, Police Officer Nicholas Abagnalo, Police Officer Eric Holtzman, Police Officer Juan Baez, Police Officer Erik Miller, Police Officer Victor Baniqued, and Police Officer Mandracchia, and are attached to IA#s 73-94 (**Board Reviews 02-23**), and summarized in IA #222 (**Board Review 24**). § 87(2)(b) provided the investigation with a video recording he took during the incident, and it is attached to IA#59 (**Board Review 25**). The investigation obtained two videos of the incident from § 87(2)(b).

law firm, including § 87(2)(b) video, and they are attached to IAs#24 and 25 (**Board Reviews 26 and 27**). The investigation obtained two videos of the incident from Twitter uploaded by user § 87(2)(b) (**Board Reviews 28 and 29**) and from Tik Tok § 87(2)(b) (**Board Review 30 and 31**).

This incident was mentioned in a print article published § 87(2)(b) (**Board Review 32**), and the case was placed on the Agency's Sensitive Case list.

### Findings and Recommendations

#### Allegation (A) Police Officer Vincent Mandracchia spoke discourteously to § 87(2)(b)

§ 87(2)(b) was interviewed via telephone on November 17<sup>th</sup>, 2020 (**Board Review 33**). § 87(2)(b) was interviewed via telephone on November 19<sup>th</sup>, 2020 (**Board Review 34**). § 87(2)(b) was interviewed via telephone on October 19<sup>th</sup>, 2021 (**Board Review 35**). § 87(2)(b) was interviewed via telephone on October 26<sup>th</sup>, 2021 (**Board Review 36**). § 87(2)(b) declined to provide a statement to the CCRB. Police Officer Samuel retired from the NYPD on June 24, 2021, and could not be interviewed for this investigation (**Board Review 39**). Police Officer Mandracchia was interviewed on March 3<sup>rd</sup>, 2022 (**Board Review 37**). Police Officer Grispino was interviewed on March 4<sup>th</sup>, 2022 (**Board Review 38**).

§ 87(2)(b) stated that while he was inside the deli he noticed an unmarked car pull into the deli's parking lot and that its occupants started making "weird" and "loud" noises, including laughing loudly, over the car's intercom system. § 87(2)(b) exited the deli and began speaking to the unmarked vehicle's occupants—whose identities he did not know at the time, as he could not see who was inside the car. § 87(2)(b) told them to "be quiet," "Get the fuck out of here," "Leave the parking lot," "Have a good night," "Keep it moving," "People are sleeping," and "It's a neighborhood store." At this time there were approximately three civilian cars in the parking lot coming and going, containing deli customers, but that no crowd gathered. § 87(2)(b) then walked over to a wooden picnic table on the western side of the deli and sat down to smoke a cigarette and drink coffee while chatting with § 87(2)(b), § 87(2)(b) and § 87(2)(b). When Police Officer Mandracchia and Police Officer Samuel exited from the unmarked car and walked towards him, § 87(2)(b) realized for the first time that there had been officers inside. Police Officer Mandracchia and Police Officer Samuel immediately demanded that § 87(2)(b) produce his ID. § 87(2)(b) who did not have his ID or his wallet on his person at the time, repeatedly asked the two officers why they needed his ID. At some point during this conversation, Police Officer Mandracchia said, "Give me your fucking ID."

§ 87(2)(b) and § 87(2)(b) statements were generally consistent with § 87(2)(b) statement about how the incident began. § 87(2)(b) and § 87(2)(b) all stated that when they first noticed the unmarked car in the parking lot, its occupants were making "weird noises" on the car's loudspeaker. Although § 87(2)(b) and § 87(2)(b) could not see who was inside the unmarked car, § 87(2)(b) stated that he discerned that it was a police car based on its appearance. § 87(2)(b) further stated that while he did not remember what the occupants of the police car were saying, he believed that they might have been talking to § 87(2)(b). § 87(2)(b) and § 87(2)(b) § 87(2)(b) stated that it was "nighttime" and § 87(2)(b) while standing in front of the deli, repeatedly asked the individuals in the vehicle to "lower their voices" and "quiet down," as people in the neighborhood were sleeping. At the time, § 87(2)(b) estimated that there were a handful of deli customers coming in and out, but they did not stop or gather in a crowd to watch any interactions between the occupants in the unmarked car and § 87(2)(b) and his friends. After making a U-Turn, Police Officer Mandracchia and Police Officer Samuel exited the vehicle

and asked for § 87(2)(b) ID. § 87(2)(b) and § 87(2)(b) stated that Police Officer Mandracchia used profanities when asking § 87(2)(b) for his ID. When § 87(2)(b) did not provide his ID, both § 87(2)(b) and § 87(2)(b) stated that Police Officer Mandracchia tried to reach towards § 87(2)(b) pants pocket and then grabbed his arm.

Police Officer Mandracchia stated that he and Police Officer Samuel were parked in their unmarked car in the deli's parking lot observing "traffic light signals," as the location was "hazardous" for motorists. After being in the parking lot for approximately five to ten minutes, Police Officer Mandracchia first noticed § 87(2)(b) in front of the deli, as he was around two to three people "screaming," "cursing," and "scaring the people" on the street. § 87(2)(b) was saying, "Fuck you," and "The neighborhood doesn't need you guys." At this point, Police Officer Mandracchia observed an "elderly man" with grey hair who he believed looked "scared and afraid" as he walked his dog towards § 87(2)(b) and the group of people around him.

After making a U-Turn with the vehicle, Police Officer Mandracchia stepped out to interact with § 87(2)(b) in front of the deli. A crowd had been "forming," and estimated that there were approximately six to eight people present. Police Officer Mandracchia then asked § 87(2)(b) for his ID "multiple times." Police Officer Mandracchia approached § 87(2)(b) and asked for his ID with the purpose of summoning him for disorderly conduct. When § 87(2)(b) asked why he needed his ID, Police Officer Mandracchia explained "it was for disorderly conduct." Police Officer Mandracchia estimated that after requesting § 87(2)(b) ID approximately 10 to 15 times, he told § 87(2)(b) he would be "arrested" if he did not provide his ID and then called for back-up, as he and his partner were "surrounded" by a group of people. Police Officer Mandracchia told § 87(2)(b) "Give me your fucking ID," in order to "gain compliance."

When approximately six to eight additional officers arrived on scene, Police Officer Mandracchia reached for § 87(2)(b) arm in an "attempt to effect the arrest." In response, § 87(2)(b) got up from the picnic table "almost in a fighting stance" and "shoved" him. At that point, the officers gave § 87(2)(b) "verbal commands" to "stop resisting" and put his hands behind his back. § 87(2)(b) responded to these commands by "actively resisting" and tried "dragging" approximately four to six officers by "walking" around the picnic table, as the officers were "holding on" to him.

Police Officer Mandracchia's BWC footage (**Board Reviews 02**) begins after the initial incident in the parking lot, as the officers walk towards § 87(2)(b) who is standing beside the picnic table. The audio kicks in at 30 seconds as Police Officer Mandracchia tells § 87(2)(b) "Do you want me to get the whole precinct here right now? Give me your ID right now. That's a lawful order." § 87(2)(b) tells him that he is on his "property" and to call the "precinct." Police Officer Mandracchia then calls for additional officers over the radio. Police Officer Mandracchia repeats that he is going to "get the whole precinct right here right now" and asks § 87(2)(b) again for his ID. When § 87(2)(b) asks why he wants his ID, Police Officer Mandracchia tells him that he wants his ID or he'll get arrested. When § 87(2)(b) asks him for what "crime," Police Officer Mandracchia replies, "You're cursing non-stop." At 1:37, Police Officer Mandracchia repeats, "You're going to jail tonight. You better give me your ID" and then asks for § 87(2)(b) name. Police Officer Mandracchia tells § 87(2)(b) "You can't be screaming at us, cursing at us like that." § 87(2)(b) tells the officer, "I said lower the speaker, there are people sleeping in here." Police Officer Mandracchia then orders § 87(2)(b) to give him his ID twice more for "disorderly conduct."

At 2:29 in Police Officer Mandracchia's BWC footage, additional officers arrive on scene, and § 87(2)(b) tells them to "back off," as they approach him as he's seated on the picnic table. Several seconds later, Police Officer Mandracchia tells § 87(2)(b) "I am telling you right now give me your ID or it's going to be bad." § 87(2)(b) tells him he is being "very disrespectful" and to "back

off.” Police Officer Mandracchia tells him he is not being “disrespectful,” and that § 87(2)(b) was screaming and cursing at him. He then adds, “I am going to get the whole precinct right here.” As § 87(2)(b) tells Police Officer Samuel not to “flex,” Police Officer Mandracchia repeats, “Give me your ID right now.” Another officer asks § 87(2)(b) for his ID, as he tells the officer he wants to speak to his sergeant. At 3:28, Police Officer Mandracchia states, “I told you I was going to get the whole precinct here right now and look what I did. Give me your fucking ID. Give me your ID. My sergeant is coming.” As Police Officer Mandracchia asks § 87(2)(b) if he has a wallet on him, he approaches § 87(2)(b) and grabs his right arm, as § 87(2)(b) tells him not to “touch” him. Several officers then appear to approach § 87(2)(b) as he says, “I am not fighting.” At 3:51, Police Officer Mandracchia tells § 87(2)(b) twice, “Get the fuck down,” followed a few seconds later by, “Put your fucking hand behind your back,” as other officers on scene call for § 87(2)(b) to put his hand behind his back.

In his initial statement before the Investigator showed Police Officer Mandracchia his BWC footage, when asked if he told § 87(2)(b) “Get the fuck down,” he replied he did not say that, and then immediately after added that he did not remember saying that. When the Investigator asked him if he told § 87(2)(b) “Put your fucking hand behind your back,” Police Officer Mandracchia replied he did not remember. During his CCRB interview, after being shown the portion of his BWC footage described above (**Board Review 02**), when the Investigator asked Police Officer Mandracchia if he recognized himself telling § 87(2)(b) “Get the fuck down” at the 3:53 mark, he replied that he did not and that he did not know whose voice that was. When the Investigator reminded him that they were playing his BWC and asked him which other officer might have spoken, Police Officer Mandracchia replied there were “a lot of officers there” and he did not “remember every single one of them.” Police Officer Mandracchia estimated there were approximately 15 officers involved in handcuffing § 87(2)(b). When the Investigator asked him if he recognized himself saying, “Keep your fucking hand behind your back” at 4:01 mark in his BWC, Police Officer Mandracchia replied he told § 87(2)(b) to keep his hand behind his back. When the Investigator asked if he used the word “fucking” at that point, Police Officer Mandracchia replied he did not remember. When the Investigator replayed the footage, Police Officer Mandracchia stated that he did not remember saying “Keep your fucking hand behind your back,” but that he had told him to put his hand behind his back.

During Police Officer Grispino’s interview, the Investigator played the portion of Police Officer Mandracchia’s BWC footage described above (**Board Review 02**), and Police Officer Grispino identified the voice saying, “Give me your fucking ID,” as belonging to Police Officer Mandracchia.

Given that the voice saying, “Get the fuck down,” and “Put your fucking hand behind your back,” appears to be the same voice making the statements captured earlier in the BWC footage that Police Officer Mandracchia acknowledged were statements he made and that Police Officer Grispino testified that the voice making those statements belonged to Police Officer Mandracchia, the investigation determined that it was Police Officer Mandracchia making these statements to § 87(2)(b) later in the BWC.

According to Patrol Guide Procedure 200-02, the NYPD pledges to “value human life, respect the dignity of each individual and render our services with courtesy and respect” (**Board Review 56**).

According to DCT Case No. 2015-15012 (Board Review 40), officers are to behave professionally and respectfully towards members of the public and avoid the use of discourteous language; however, officers’ use of profanities during stressful street encounters do not constitute misconduct. These statements, however, may not serve no legitimate purpose but to belittle a civilian.

At the point in the incident when Police Officer Mandracchia told § 87(2)(b) to “Give me your fucking ID,” he had been repeatedly asking § 87(2)(b) for his ID for the last several minutes with the intention of writing him a summons for disorderly conduct. § 87(2)(g) § 87(2)(b) did not provide Police Officer Mandracchia with his ID or otherwise comply with his repeated requests at any point during their interaction. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (H) Police Officer Vincent Mandracchia arrested § 87(2)(b) unlawfully.**  
**Allegation (I) Police Officer Vincent Mandracchia provided a false official statement to the CCRB.**

As discussed under **Allegation A**, § 87(2)(b) stated that during his initial interaction in the parking lot, he spoke directly at the unmarked car after its occupants first made noises on the car’s intercom system. At that point in the incident, § 87(2)(b) did not know that the car’s occupants were police officers. According to § 87(2)(b) and § 87(2)(b) no crowd gathered at this point in the incident.

Police Officer Mandracchia stated that he first noticed § 87(2)(b) in front of the deli, as he was around two to three people “screaming,” “cursing,” and “scaring the people” on the street. During the CCRB Interview, Police Officer Mandracchia stated that he did not think § 87(2)(b) was directing his comments to the officers and was not “sure” if § 87(2)(b) had noticed the officers at that point in their unmarked car. Police Officer Mandracchia stated that he and Police Officer Samuel did not use the police car’s intercom at any point during the incident and did not make any noises or verbal commands on the intercom to get § 87(2)(b) attention.

Police Officer Mandracchia further stated that he observed an “elderly man” with grey hair who he believed looked “scared,” as he walked his dog towards § 87(2)(b) and the group of people around him. Police Officer Mandracchia estimated that he made the decision to stop § 87(2)(b) for disorderly conduct approximately five minutes after he first noticed him when he saw that the elderly male with the dog was “frightened and scared,” and that customers going in and out the store “seemed nervous and scared” as well.

Under the 12:50 a.m. entry in Police Officer Mandracchia’s memo book from November 5<sup>th</sup>, 2020, **(Board Review 41)**, he writes that § 87(2)(b) was stopped for “screaming vulgar and offensive language, “fuck you fuck you the neighborhood doesn’t need you, assholes” around approximately 6-8 people in a public place in front of the deli. § 87(2)(b) refused to give ID. Verbal commands were issued. Police Officer Mandracchia further notes that § 87(2)(b) arrest was “lawful” and that he “actively resist[ed].”

§ 87(2)(b) Arrest Report **(Board Review 01)** lists Police Officer Mandracchia as the arresting officer and alleges that the arresting officer observed “defendant with intent to cause public inconvenience, annoyance, disturbance, and alarm” by “yelling in a public place with approximately 6-8 people, “Fuck you, fuck you the neighborhood doesn’t need you, assholes.”” The Report indicated that § 87(2)(b) was charged with resisting arrest (P.L. 205.30), obstructing governmental administration (OGA) (P.L. 195.05), and disorderly conduct (P.L. 240.20 02).

In his CCRB interview, Police Officer Mandracchia stated that § 87(2)(b) first committed disorderly conduct, then OGA, ending with him resisting arrest. He stated that § 87(2)(b)

committed disorderly conduct by his behavior prior to the officers approaching him and requesting his ID and that had he provided his ID, Police Officer Mandracchia would have issued him a summons for disorderly conduct. § 87(2)(b) committed OGA by not providing him with his ID. § 87(2)(b) resisted arrest when he pushed Police Officer Mandracchia and the other officers on scene away and then “walk[ed]” the officers “around the table,” actively “resisting,” when the officers attempted to place him under arrest.

At 2:34 into Police Officer Mandracchia’s BWC footage (**Board Reviews 02**), Police Officer Mandracchia tells the other officers on scene that § 87(2)(b) was “cursing and screaming at *us*. We’re sitting right here, and he’s screaming at *us*, cursing.” At 7:14, after § 87(2)(b) was successfully handcuffed, Police Officer Mandracchia tells the other officers on scene, “This guy was cursing and screaming at *us*. We’re sitting right there, and the guy is cursing at *us*. ‘Fuck you, fuck you guys, fuck you.’ Drove away, he’s like, ‘Drive safe assholes.’ So we come back and say, ‘Let me get your ID.’ I was going to write him a summons for disorderly conduct. Non-stop screaming and cursing at us in public, and then he’s like I am not going to give you ID, so I call an 85, and that happened. That’s it.” Police Officer Mandracchia’s BWC ends, as he tells the officers, “He’s an under. We’re not taking that shit.”

During his CCRB interview, Police Officer Mandracchia’s was shown the portion of his BWC footage described above. After the Investigator played his BWC at the 2:18 mark, where he is captured telling § 87(2)(b) that he cannot be “screaming” and “cursing at us like that,” the Investigator confirmed that Police Officer Mandracchia was captured on BWC saying “at us,” and asked if the footage refreshed his memory about who § 87(2)(b) was directing his initial statement towards. Police Officer Mandracchia replied that he was “going to stick to [his] testimony” and did not “know” who § 87(2)(b) was “directing it towards.” After playing his BWC from the 7:19 to the 7:32 mark, when Police Officer Mandracchia is captured talking to the other officers on scene about his initial interaction with § 87(2)(b) he told the Investigator that he did not recognize who was speaking at this point in the BWC and that he did not recognize his voice. When the Investigator asked if this footage refreshed his memory of § 87(2)(b) using any profanities towards the officers when he first saw him in the parking lot, Police Officer Mandracchia replied that it did not, and repeated that he was “stick[ing]” to his earlier testimony.

Police Officer Mandracchia further stated that he did not remember who ended his BWC recording and that he remembered his BWC falling off during the incident but did not remember at what point he got it back. As was discussed in **Allegation A** and will be discussed further under **Allegation F**, the investigation determined by a preponderance of the evidence that the voice captured at the 7:19 mark in Police Officer Mandracchia’s BWC saying, “We’re sitting right there and the guy is cursing at us,” belonged to him.

NYS Penal Law Section 240.20 (**Board Review 42**) states that a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: (2) he makes unreasonable noise; or (3) in a public place, he uses abusive or obscene language, or makes an obscene gesture.

As explained in NYPD Legal Bureau Bulletin Vol. 47 No. 2 (**Board Review 43**), the courts have repeatedly ruled that an individual shouting obscenities exclusively at officers, with no intent to cause public annoyance or actual public harm, even with the presence of a crowd of bystanders, did not meet the public harm and intent elements of disorderly conduct and could therefore not be arrested for disorderly conduct (See People v. Gonzalez, 25 N.Y.3d 1100 (2015) (**Board Review 44**) and People v. Baker, 20 N.Y.3d 354 (2013) (**Board Review 45**)).



NYPD Patrol Guide 203-08 (Board Review 46) prohibits officers from intentionally making a false official statement regarding a material matter. “Examples of circumstances in which false statements may arise include lying under oath during a civil, administrative, or criminal proceeding” such as an interview conducted by the Civilian Complaint Review Board. A false official statement may arise when an officer creates a “false description of events.”

Police Officer Mandracchia stated in his account to the CCRB that he initially exited his car and approached § 87(2)(b) with the intention of providing him a summons for disorderly conduct after first observing him screaming, “Fuck you,” and “The neighborhood doesn’t need you guys.” in the deli’s parking lot, where there were approximately six to eight people going in and out of the store, and specifically “scaring” an elderly dog walker. After approaching § 87(2)(b) Police Officer Mandracchia stated that he called for backup and arrested him when he did not provide his ID. The Arrest Report Police Officer Mandracchia prepared for § 87(2)(b) and his memo book entry for the incident date, further corroborate that § 87(2)(b) caused “public inconvenience” and “annoyance” when he screamed, “Fuck you, fuck you the neighborhood doesn’t need you, assholes” around six to eight people. However, contrary to what he told the CCRB and consistent with § 87(2)(b) own account that he directed his statements at the beginning of the incident to the occupants of the unmarked police vehicle, Police Officer Mandracchia is captured on his BWC telling § 87(2)(b) that he had been “screaming at us.”

Moreover, the end of Police Officer Mandracchia’s BWC captures him telling the additional officers who subsequently arrived on scene that § 87(2)(b) had been, “Non-stop screaming and cursing at us in public,” adding, “We’re not taking that shit.” Given that, per P.L. 240.20, disorderly conduct is committed when a person intends to commit public inconvenience, and that per Police Officer Mandracchia’s own contemporaneous statements, § 87(2)(b) was directing those comments to the officers, § 87(2)(b) had not committed disorderly conduct. Given that Police Officer Mandracchia’s sole stated reason for approaching § 87(2)(b) was to obtain his ID and summons him for disorderly conduct, § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Moreover, in light of the fact that during his CCRB interview, Police Officer Mandracchia provided an account of his initial encounter with § 87(2)(b) that was inconsistent with his own contemporaneous statements on his own BWC footage, and that he then maintained his account, even after being shown video footage that was inconsistent with his account to the CCRB, § 87(2)(g)

§ 87(2)(b)

**Allegation (B): Police Officer Vincent Mandracchia used physical force against § 87(2)(b)**

**Allegation (C): Police Officer Jacob Samuel used physical force against § 87(2)(b)**

**Allegation (D): Officers used physical force against § 87(2)(b)**

§ 87(2)(b) stated that, within minutes of Police Officer Mandracchia and Police Officer Samuel calling for back-up, approximately 15 to 20 officers responded to the scene. Police Officer Mandracchia reached toward § 87(2)(b) and § 87(2)(b) put his hands in the air and told him to back up. Police Officer Samuel then grabbed § 87(2)(b) left arm. § 87(2)(b) subsequently put his arms behind his back on his own and denied doing anything else with his hands besides putting them up in the air at first and then putting them behind his back. Once Police Officer Mandracchia and Police Officer Samuel grabbed § 87(2)(b) all of the officers nearby “jumped on top of” him

and some of them began to “beat [him] up.” § 87(2)(b) explained he was not physically resisting in any way, as he screamed, “I’m not resisting, I’m not fighting, my hands are behind my back.”

According to § 87(2)(b) an unidentified officer was the first officer to punch and hit him in the eye while standing to his right side. § 87(2)(b) did not believe he was fully handcuffed at first, as the officers struggled—for reasons he attributed solely to their tactical ineptitude rather than any resistance he was demonstrating—to fully handcuff him, as both of his hands were voluntarily behind his back at this point. Police Officer Mandracchia and Police Officer Samuel then began repeatedly punching § 87(2)(b) in the head approximately 10 to 12 times, striking him on the top, back, and right side of his head. Police Officer Mandracchia and Police Officer Samuel then kicked § 87(2)(b) in the legs and kneed him in the stomach and chest area approximately seven to eight times. § 87(2)(b) confirmed that the officers continued punching, kicking, and kneeling him as described above even after the officers successfully handcuffed his hands behind his back.

§ 87(2)(b) and § 87(2)(b) statements were generally consistent with each other. § 87(2)(b) stated that as § 87(2)(b) sat on the picnic table, Police Officer Mandracchia “reached” in the direction of § 87(2)(b) pants pocket, and § 87(2)(b) told him not to “touch” him. As Police Officer Mandracchia reached again for § 87(2)(b) pants pocket, § 87(2)(b) stood up. § 87(2)(b) further explained that after the officers grabbed § 87(2)(b) hands, the officers and § 87(2)(b) “moved” towards the back of the picnic table. § 87(2)(b) described the scene as a “ball of people” and explained they had moved “naturally.”) At this point in the incident, § 87(2)(b) stated that approximately seven additional officers surrounded the picnic table and “pulled” § 87(2)(b) shirt, arms, and shoulders, as he sat on the picnic table and “pulled” his body “backwards” onto the table so that his stomach faced the table. As the officers placed § 87(2)(b) body onto the table, § 87(2)(b) stated that Police Officer Mandracchia and Police Officer Samuel “punched” § 87(2)(b) on his head and shoulders more than once. According to § 87(2)(b) § 87(2)(b) did not move and did not physically react, only saying repeatedly, “I am not resisting.” § 87(2)(b) further described Police Officer Mandracchia and Police Officer Samuel as punching § 87(2)(b) with their hands up as if in a “boxing match” with their hands forming a closed fist and noted that § 87(2)(b) head “jerked” back each time in the direction of the punch. § 87(2)(b) further noted that § 87(2)(b) had one arm behind his back at this point, but the officers were unable to handcuff him fully as his other arm was not behind his back. Immediately after Police Officer Mandracchia punched § 87(2)(b) § 87(2)(b) gave his other hand, and the officers were able to rear handcuff him. § 87(2)(b) was unable to see whether any officer kicked or kneed § 87(2)(b) in the legs or stomach, because the officers stood between him and the group of officers apprehending § 87(2)(b).

The TRI Incident Report (**Board Review 47**) prepared for this incident indicates that § 87(2)(b) was approximately 6’4” and 240 pounds. The TRI’s narrative indicated that “upon lawful arrest, the subject did actively resist arrest and members involved did wrestle and grapple with subject and use hand strikes to gain control of subject and place him into handcuffs. Multiple officers did receive injuries from this incident.” It further states that § 87(2)(b) also “sustained injuries and was removed to § 87(2)(b).

Police Officer Mandracchia stated that he reached towards § 87(2)(b) in order to grab his arm in an “attempt to effect the arrest.” When Police Officer Mandracchia reached for § 87(2)(b) arm, § 87(2)(b) got up from the picnic table “almost in a fighting stance,” and “shoved” him. At that point, the officers on scene gave § 87(2)(b) “verbal commands” and told him to “stop resisting” and put his hands behind his back. § 87(2)(b) responded to these commands by “actively resisting” and “dragging” approximately four to six officers by “walking” around the picnic table, as the officers were “holding on” to him. At this point, Police Officer Grispino “fell to the bottom

of the pile.” (Police Officer Mandracchia was not “sure” how Police Officer Grispino fell.) When the Investigator asked how they had gone from standing up to forming a pile, Police Officer Mandracchia repeated that § 87(2)(b) had been “actively resisting” and “eventually” stood up from his sitting position. When the Investigator asked him to explain the pile, Police Officer Mandracchia explained that there had been a “commotion” with multiple people standing and “fighting back” and trying to “detain” § 87(2)(b).

Because Police Officer Mandracchia was “scared” for Police Officer Grispino’s “safety,” and for the “safety” of the “others on scene,” he “used” what he believed was the “necessary amount of force possible” against § 87(2)(b). Using his “closed fist,” Police Officer Mandracchia struck § 87(2)(b) approximately twice on the right side of his face. When the Investigator asked why he struck § 87(2)(b) there, Police Officer Mandracchia explained there was “no other part available” to him, and added that due to his training and experience, he “could not use any other force option.” When the Investigator asked him why there was no other force available, Police Officer Mandracchia explained there were “just too many people” and he did not “want to hurt” any of the bystanders or any of the officers on scene. Police Officer Mandracchia explained there were officers on § 87(2)(b) left and right side, but he did not remember how many officers had been making physical contact with § 87(2)(b) as he struck him in the face. Police Officer Mandracchia told the Investigator that § 87(2)(b) was not held down, as he struck him in the face. Police Officer Mandracchia did not believe the strikes “did anything,” and believed they were “just the right amount of force” to “gain control” of § 87(2)(b). Police Officer Mandracchia denied kicking § 87(2)(b) in the legs or kneeling him in the stomach or chest.

In Police Officer Mandracchia’s TRI Interaction Report (**Board Review 48**), under “Action taken by MOS,” it indicates “hand strikes,” and under “Reason for force,” it notes “Overcome resistance or aggression, defense of other MOS, defense of member of public.”

Police Officer Grispino stated that § 87(2)(b) was considered under arrest when he did not provide the officers with his ID and that Police Officer Mandracchia and Police Officer Samuel “reached” towards § 87(2)(b) arms to put his hands behind his back. § 87(2)(b) pulled away from the officers and “flailed” his arms. At that point, due to § 87(2)(b) “very large” stature, several officers attempted to “detain” him, but § 87(2)(b) swung his arm away from the officers and started “walking away,” as the officers tried to handcuff him. Police Officer Grispino “moved in” to assist the officers. Police Officer Grispino noted that since a majority of the officers present were on the right side of § 87(2)(b) body, she went to his left side to “counter” the other officers and “grab” his other arm to get him into handcuffs as “quickly as possible.”

At that point, due to the combined weight of the officers on § 87(2)(b) right side and the weight from § 87(2)(b) “pulling” away from the officers, Police Officer Grispino “lost” her “footing.” Because § 87(2)(b) then “leaned on top” of Police Officer Grispino, her “entire” body was “crushed” underneath him and she was “pinned” between him and the picnic table for “quite some time.” (Based on the BWC, Police Officer Grispino estimated that she was pinned underneath § 87(2)(b) for approximately 15 to 20 seconds.) After Police Officer Grispino “got” her face out from underneath § 87(2)(b) she was “face to face” with him. At this point, Police Officer Grispino placed her palm in front of her face to “protect” it and tried to “get out” of the pile. During her interview, Police Officer Grispino explained that based on what she saw on the BWCs of other officers on scene, officers tried to get § 87(2)(b) “off” of her. Police Officer Baez pulled Police Officer Grispino from her shoulder and jacket and “rip[ped]” her “out” from beneath § 87(2)(b).

Police Officer Grispino stated that, during the incident itself, she did not see § 87(2)(b) get punched, as she had been “underneath” him. However, after the incident, she saw the Tik Tok

videos uploaded by § 87(2)(b) (**Board Review 30 and 31**). In the Tik Tok video, Police Officer Grispino believed that she observed one officer, Police Officer Samuel, punch § 87(2)(b). She believed that this occurred because she had been “crushed” underneath him and the officer punched him in order to get him “off” of her. She did not see any of the officers kick § 87(2)(b) in the legs or knee him in the stomach or chest. One of the Twitter videos uploaded by § 87(2)(b) (**Board Review 29**) captures § 87(2)(b) from the back and starts as Police Officer Mandracchia first reaches towards him. It captures both Police Officer Mandracchia and Police Officer Samuel grabbing onto each side of § 87(2)(b) at 00:24, followed by Police Officer Samuel grabbing the top of his head, as § 87(2)(b) cries, “I am not fighting.” Approximately four officers are then captured pushing § 87(2)(b) off the picnic table. An unidentified officer then grabs and holds onto the side of § 87(2)(b) head, as Police Officer Samuel reaches again for the top of his head. Approximately five officers appear to push § 87(2)(b) onto the table.

The Tik Tok video uploaded by § 87(2)(b) (**Board Review 31**) is consistent with the Twitter video, and it begins as § 87(2)(b) cries out, “I am not fighting,” as he appears to wrestle with Police Officer Samuel. At the approximately three second mark, an unidentified officer grabs the side of § 87(2)(b) face in his ear area and then holds onto it, as approximately three officers hold onto § 87(2)(b) left and right arms. At this point, § 87(2)(b) walks around the picnic table, as the officers hold him. At 00:09, as § 87(2)(b) is pushed onto the top portion of the picnic table by approximately five officers, Police Officer Grispino is identified by her blonde bun on the left edge of the table. After a couple of seconds, she disappears from view. At 00:13, Police Officer Mandracchia strikes § 87(2)(b) on the right side of his face approximately three times, and then attempts to handcuff him. At 00:20, Police Officer Samuel grabs onto § 87(2)(b) shoulder, as Police Officer Baez removes Police Officer Grispino from the edge of the picnic table, seemingly from beneath § 87(2)(b) body. At 00:25, Police Officer Samuel then strikes § 87(2)(b) in the face approximately twice, as onlookers cry, “He’s not resisting” and “Stop punching.” Police Officer Grispino climbs on top of the table, as approximately four police officers appear to hold onto § 87(2)(b) head. At 00:57, § 87(2)(b) is handcuffed and removed from the picnic table.

At 03:34, in § 87(2)(b) video (**Board Review 25**), Police Officer Grispino is captured being pinned underneath § 87(2)(b) body. She briefly places her hand over § 87(2)(b) face, as his face faces hers. After Police Officer Baez removes Police Officer Grispino, one officer holds down § 87(2)(b) face against the picnic table, and Police Officer Samuel is then captured punching § 87(2)(b) on the side of his face.

NYPD Patrol Guide section 221-01 (**Board Review 50**) indicates that force may be used when it is reasonable to ensure the safety of officers or to place or to place a person in custody. In all circumstances, an application of force must be reasonable under the circumstances. The Patrol Guide goes on to state that the reasonableness of the use of force is based upon the totality of the circumstances known by the MOS at the time of the use of force. Factors to be considered in determining whether the use of force is reasonable include the following: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject; members of service or bystanders; whether the subject is actively resisting custody; whether the subject is attempting evade arrest by flight; the number of subjects in comparison to the number of members of service; size, age and condition of the subject in comparison to the member of service; subject’s violent history if known; presence of hostile crowd or agitators; and whether the subject is apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase likelihood of violence.”

The BWC and social media footage show § 87(2)(b) pushing away Police Officer Mandracchia’s arm, as the officer reaches towards him after he does not provide his ID after repeated requests.

Immediately after this interaction, approximately four to six officers—including Police Officer Mandracchia and Police Officer Samuel—surround § 87(2)(b) and physically remove him from the table where he is sitting. § 87(2)(b) then walks around the picnic table, as approximately four officers hold onto his arms and grab his head. The officers then push § 87(2)(b) back onto the picnic table with his stomach facing the table and it is at this point that Police Officer Grispino appears to get pinned between the table and § 87(2)(b). After a few seconds, Police Officer Baez removes Police Officer Grispino from the table and she and the other officers are then able to handcuff § 87(2)(b). In light of the fact that at no point during their initial interaction did § 87(2)(b) cooperate with Police Officer Mandracchia and Police Officer Samuel’s repeated verbal orders, § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Moreover, given that the video footage shows Police Officer Mandracchia striking the side of § 87(2)(b) face approximately three times as Police Officer Grispino’s body was positioned between § 87(2)(b) and the picnic table during the physical struggle to handcuff him, § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (E) Police Officer Lareina Grispino restricted § 87(2)(b) breathing.**

§ 87(2)(b) stated that after being punched in the head by Police Officer Mandracchia and Police Officer Samuel, Police Officer Grispino climbed up on top of the picnic table and knelt on the right side of § 87(2)(b) in the area between his neck and his head. § 87(2)(b) explained that his body positioning and Police Officer Grispino’s “thick” build prevented him from breathing. § 87(2)(b) estimated that Police Officer Grispino remained in this position for approximately one to two minutes. § 87(2)(b) did not lose consciousness during this portion of the incident, but he described part of his memory as “blacking out” during portions of it.

§ 87(2)(b) stated that after Police Officer Grispino climbed up on the picnic table when the officers placed § 87(2)(b) body face down on the picnic table in order to handcuff him, she had put her “foot on” § 87(2)(b) neck” for approximately four seconds.

§ 87(2)(b) believed that Police Officer Grispino climbed on top of the table to help the officers behind her “hold” § 87(2)(b) “down.” § 87(2)(b) described Police Officer Grispino as having her feet up on the table and stated that as she grabbed § 87(2)(b) shoulder with her hands, her knee appeared to be placed over either his head or shoulder for a matter of seconds. When the Investigator asked if any part of Police Officer Grispino’s body made any contact with § 87(2)(b) neck, § 87(2)(b) replied that her hands and knees were “in there,” but he did not remember specifically which parts of § 87(2)(b) body they made contact with.

Police Officer Grispino stated that after getting out from underneath § 87(2)(b) she noticed that he had a “severe height advantage” over a majority of the officers on scene. Police Officer Grispino decided to climb the picnic table and “use” it to her “advantage” to “assist” the other officers with the arrest “from a higher point.” Police Officer Grispino “planted” her two feet on the picnic table and placed her knee on the “eating portion” of the table while her leg was straight on



the “seated portion.” Police Officer Grispino then placed her hand on § 87(2)(b) shoulder and “pushed” his elbow “up” to “get” the arm that the other officers had been “struggling” for “up.” The officers then placed § 87(2)(b) into handcuffs. She denied making any contact with § 87(2)(b) neck with her knee or foot or taking any other action that would have restricted his breathing.

In Police Officer Grispino’s TRI Interaction Report (**Board Review 51**), under “Action taken by MOS,” it indicates “wrestling/grappling,” and under “Reason for force,” it notes “Overcome resistance or aggression, defense of other MOS, defense of member of self.”

At 1:10, in Police Officer Baez’s BWC (**Board Review 07**), Police Officer Grispino—identified by her blond bun and her holstered Taser—leans against the side of the picnic table, as she and other officers attempt to handcuff § 87(2)(b). At 1:16, Police Officer Grispino’s body appears to be pinned between § 87(2)(b) and the picnic table. At 1:22, Police Officer Baez grabs Police Officer Grispino’s uniform from the back and pulls her off the picnic table. After the screen goes black for a matter of seconds, Police Officer Grispino is captured from the back kneeling on the picnic table with one leg on the upper part of the picnic table and the other leg on the lower bench, as she bends over § 87(2)(b) who is not captured on screen. At 1:46, an officer standing in the vicinity of the picnic table blocks the camera’s view of Police Officer Grispino. At 1:52, Police Grispino pulls up § 87(2)(b) from his back and assists other officers remove him from the picnic table.

Upon viewing Police Officer Baez’s BWC during her CCRB interview, Police Officer Grispino noted that her knee was on the eating portion of the table and her left leg was extended flat standing on the sitting portion of the table. She further noted that § 87(2)(b) head was above her belt line in the vicinity of the video’s 47 second time stamp.

At 03:40, in § 87(2)(b) video (**Board Review 25**), after Police Officer Grispino has been removed from underneath § 87(2)(b) the officers hold onto § 87(2)(b) face, as the side of his face makes contact with the picnic table. At 3:43, Police Officer Grispino climbs back onto the picnic table after Police Officer Samuel strikes § 87(2)(b) on the side of his face. While § 87(2)(b) video does not capture § 87(2)(b) face once Police Officer Grispino climbs on top of it, the video does fully capture her legs, and shows them positioned on the top and bottom portions of the picnic table. Moreover, it appears that when Police Officer Grispino climbs on top of the table, she does so on the portion of the table that is adjacent to § 87(2)(b) head area. At 4:08, § 87(2)(b) has been successfully handcuffed and is removed from the table. The video does not show her making any contact with § 87(2)(b) head or neck.

In the Tik Tok video uploaded by § 87(2)(b) (**Board Review 31**), after Police Officer Grispino is removed from underneath § 87(2)(b) she climbs on top of the table at 00:29. This video does not capture the positioning of her legs, but it shows her hovering over § 87(2)(b) and using her hands to hold him down by his shoulders. An onlooker screams at this point, “What are you doing? He can’t breathe like that.” At 00:45, Police Officer Grispino appears to reach for her belt and then puts her hands back towards § 87(2)(b). At 00:53, Police Officer Grispino gets up from the picnic table, as § 87(2)(b) is escorted off the table after being successfully handcuffed.

Police Officer Grispino’s testimony that she did not make any contact with § 87(2)(b) neck is consistent with § 87(2)(b) video, which shows the portion of the incident where § 87(2)(b) alleged that Police Officer Grispino made contact with his neck, and which captures Police Officer Grispino kneeling on the picnic table from behind and does not appear to show Police Officer Grispino’s shoes or knee making any contact with § 87(2)(b) neck area. § 87(2)(g)

**Allegation (F) Police Officer Vincent Mandracchia threatened to arrest § 87(2)(b)**

§ 87(2)(b) stated that after he was handcuffed, Police Officer Mandracchia pursued § 87(2)(b) grabbing his arm and asking him if he wanted to “go in” with § 87(2)(b) § 87(2)(b) acknowledged that he only knew about this interaction based on one of the videos recording of the incident and not from his own firsthand knowledge.)

§ 87(2)(b) and § 87(2)(b) description of this interaction were consistent. § 87(2)(b) stated that Police Officer Mandracchia told him, “Do you want to go next?” as § 87(2)(b) was being escorted to the police vehicle. § 87(2)(b) explained that he had been “screaming” at the police officers prior to Police Officer Mandracchia’s statement, “Is this how you use your badge?” and “Are you playing the tough guy?” as he was “shocked” about what had happened to § 87(2)(b)

In his initial account before viewing the BWC footage, when the Investigator asked Police Officer Mandracchia if he had asked anyone on scene, “Do you want to go next?” he replied he had not. When the Investigator asked if there was any reason to arrest anyone besides § 87(2)(b) Police Officer Mandracchia replied “not at that time.”

At 7:02 in Police Officer Mandracchia’s BWC (**Board Reviews 02**), after § 87(2)(b) has been handcuffed, § 87(2)(b) can be heard calling the officers a “bully,” and says, “You have a badge and a gun right now?” Police Officer Mandracchia replies, “Let me ask you something: do you want to go next?” and tells § 87(2)(b) to “go home.” Police Officer Mandracchia then turns away from him and starts speaking to a group of officers.

Upon viewing his BWC footage during the interview, after the Investigator paused the video at 7:06, and asked if he recognized his voice, Police Officer Mandracchia replied that it was “hard” to hear because of all the “commotion” captured on BWC. After the Investigator replayed between the 7:01 and 7:07 mark and asked if he recognized whose voice said, “Do you want to go next?” Police Officer Mandracchia replied that he did not remember and did not recognize his voice. When the Investigator asked if he remembered the individual with the yellow hoodie on screen, Police Officer Mandracchia replied he did not remember this incident and added he did not know if that was him or his BWC or if someone was holding it. When the Investigator asked if he was aware if the individual in the yellow hoodie had committed a crime and could have been arrested, Police Officer Mandracchia replied he did not remember and added that he did not recognize him.

When the Investigator replayed that part of the incident, Police Mandracchia noted that at the 7:01 mark that it appeared that Police Officer Samuel was “holding” his BWC and that it “must” have fallen off. When the Investigator asked if he knew where he was at this point, he replied he was in “close proximity.” When the Investigator asked if he remembered at what point he lost his BWC from his camera, he replied he did not remember. When the Investigator asked if Police Officer Samuel returned Police Officer Mandracchia’s BWC back to him when he picked it up, Police Officer Mandracchia replied he did not remember as it had been a “very long time ago.” Upon viewing Police Officer Mandracchia’s BWC between the 6:47 and 7:07 mark during her interview, Police Officer Grispino stated she recognized Police Officer Mandracchia’s voice.

Although at 4:51 in Police Officer Mandracchia’s BWC, an officer appears to reach and adjust Police Officer Mandracchia’s BWC, followed at 6:54, by an officer saying, “Can I have my body camera?” as two officers appear to be facing each other, Police Officer Mandracchia’s voice as he says, “Do you want to go next?” appears consistent with previous verbal statements he made on

BWC. Moreover, Police Officer Samuel's BWC (**Board Review 20**) captures this moment at the 00:37 mark when Police Officer Samuel calls out, "Vincent, Vincent" to Police Officer Mandracchia (whose first name is Vincent), as Police Officer Mandracchia is captured telling § 87(2)(b) "Do you want to go next?" Therefore, the investigation determined by a preponderance of the evidence that it was Police Officer Mandracchia speaking to § 87(2)(b) at this moment.

§ 87(2)(g)

#### **Allegation (G) Police Officer Jacob Samuel spoke discourteously to an individual**

At 00:50 in Police Officer Samuel's BWC (**Board Review 20**), after § 87(2)(b) has been handcuffed, Police Officer Samuel is captured telling an unidentified individual off screen who shouts that he will walk to his precinct, "Take a walk, fat boy." After the individual calls the officers a "piece of shit," Police Officer Samuel replies, "Yeah, all right fat boy" and "All right fat boy," as the individual keeps on talking about the officers' uniforms in the background.

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is § 87(2)(b) first CCRB complaint (**Board Review 52**).
- Police Officer Mandracchia has been a member of service for six years and has been a subject of one other allegation in one other CCRB complaint, which was not substantiated.
- Police Officer Grispino has been a member of service for four years and this is the first CCRB complaint for which she has been named a subject.

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) case was not suitable for mediation.
- According to the New York City Office of the Comptroller, § 87(2)(b) attorney § 87(2)(b) filed a claim against the City of New York, the NYPD, Police Officer Mandracchia, and other officers involved in this incident, claiming "assault, battery, intentional infliction of emotional distress, unlawful arrest, malicious prosecution, negligence, negligent hiring, negligent supervision, negligent retention, personal injury, medical expense, legal expenses, hospital expense and emotional distress, lost income and wages" (**Board Review 53**).

- § 87(2)(b) [§ 87(2)(b)]  
§ 87(2)(b) [§ 87(2)(b)]  
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§ 87(2)(b) [§ 87(2)(b)]  
§ 87(2)(b) [§ 87(2)(b)]  
§ 87(2)(b) [§ 87(2)(b)]

Squad: 2



Investigator:	<u>Julia Pagnamenta</u> Signature	<u>Inv. Pagnamenta</u> Print Title & Name	<u>03/18/2022</u> Date
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Squad Leader:	<u>Alexander Opoku-Agyemang</u> Signature	<u>IM Opoku-Agyemang</u> Print Title & Name	<u>03/18/2022</u> Date
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Reviewer:	<u></u> Signature	<u></u> Print Title & Name	<u></u> Date
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